

U.S.C. §103(a) as being unpatentable over Brown in view of Lindgren in further view of Takagi; and (vi) indicated that claims 5, 10, 15 and 19 are allowed.

In this response, Applicants: (i) traverse the various objections to claims 1, 5, 6 and 10 for at least the following reasons; (ii) traverse the various §103(a) rejections of claims 1, 3-6 and 8-20 for at least the following reasons; and (iii) file a Notice of Appeal. Further, Applicants incorporate by reference herein all remarks made in their previous responses dated April 5, 2002 and November 19, 2002.

Regarding the various objections to claims 1, 5, 6 and 10, Applicants respectfully assert that the use of "one or more packets" is proper since from the first instance of use to the second instance of use, the "one or more packets" could be the same packets, different packets, or some combination thereof. Applicants do not believe that such use of the phrase "one or more packets" renders the claims vague or indefinite. The same holds true for the use of the phrase "a packet."

Regarding use of the phrase "network node," Applicants respectfully assert that the phrases "a network node," "another network node," and "the other network node" are clearly used. For example, in claim 5, it is recited that the address is a combination of an identifier of the mobile user station and an identifier of "a network node in the communications system with which the mobile user station is currently associated." Later, claim 5 recites that "a network node in the communications system" is not required to obtain additional address information to direct a packet to and from the mobile user station. Applicants assert that it is clear that "a network node in the communications system" could be "a network node in the communications system with which the mobile user station is currently associated," or it could be a different network node in the communications system. Applicants do not believe that such use of the phrase "a network node" renders the claims vague or indefinite.

Accordingly, withdrawal of the various objections to claims 1, 5, 6 and 10 is respectfully requested.

Regarding the §103(a) rejection of independent claims 1 and 6, Applicants respectfully assert that the Brown/Lindgren combination fails to establish a prima facie case of obviousness under 35 U.S.C. §103(a), as specified in M.P.E.P. §2143.

As set forth in M.P.E.P. §2143, three requirements must be met to establish a prima facie case of obviousness. First, there must be some suggestion or motivation to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited combination must teach or suggest all the claim limitations. While it is sufficient to show that a prima facie case of obviousness has not been established by showing that one of the requirements has not been met, Applicants respectfully believe that none of the requirements have been met.

First, there is a clear lack of motivation to combine the references. For at least this reason, a prima facie case of obviousness has not been established. Brown is directed to a method for requesting identification of a neighboring node in a data processing input/output system, while Lindgren is directed to a network hub for interconnecting a wireless office environment with a public cellular telephone network. That is, the teachings in each reference are directed to completely different environments; one (Brown) toward a data processing I/O environment, the other (Lindgren) toward an interconnected wireless office/public cellular telephone environment. However, other than a very general and conclusory statement in the final Office Action, there is nothing in the two references that reasonably suggests why one would actually combine the teachings of these two references.

The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination “must be based on objective evidence of record” and that “this precedent has been reinforced in myriad decisions, and cannot be dispensed with.” In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that “conclusory statements” by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved “on subjective belief and unknown authority.” Id. at 1343-1344.

In the final Office Action at page 8, the Examiner provides the following statement to prove motivation to combine Brown and Lindgren, with emphasis supplied: “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to provide . . . Lindgren et al. to the system of Brown et al. because Lindgren et al. teach [sic] the desirable added feature of wireless mobile communication in Brown et al.”

Applicants submit that this statement is based on the type of “subjective belief and unknown authority” that the Federal Circuit has indicated provides insufficient support for an obviousness rejection. More specifically, the Examiner fails to identify any objective evidence of record which supports the proposed combination.

Second, Applicants assert that there is no reasonable expectation of success in achieving the present invention through a combination of Brown and Lindgren. For at least this reason, a prima facie case of obviousness has not been established. Despite the assertion in the final Office Action, Applicants do not believe that Brown and Lindgren are combinable since it is not clear how one would combine them. There is no guidance provided in the final Office Action. However, even if combined, for the sake of argument, they would not achieve the unique addressing techniques of the claimed invention.

Third, Applicants assert that even if combined, the Brown/Lindgren combination fails to teach or suggest all of the limitations of the claims. For at least this reason, a prima facie case of obviousness has not been established.

Regarding independent claims 1 and 6, the final Office Action cites column 12, line 54, to column 13, line 15 of Brown for support in rejecting (under the Brown/Lindgren combination) the step/operation of “assigning an address to be associated with one or more packets of the mobile user station, the address being a combination of an identifier of the mobile user station and an identifier of a network node in the communications system with which the mobile user station is currently associated,” as recited in independent claims 1 and 6. However, Brown fails to disclose what the final Office Action asserts.

In particular, the final Office Action refers to a “Node ID” disclosed in Brown, at column 13, which includes a “self describing product (SDP) ID” and an “interface ID (tag).” However, claims 1 and 6 call for “the address being a combination of an identifier of the mobile user station and an identifier of a network node in the communications system with which the mobile user station is currently associated.” As is evident, this is completely different than what Brown discloses.

Next, the final Office Action cites column 5, line 56, to column 6, line 4 of Lindgren for support in rejecting (under the Brown/Lindgren combination) the step/operation of “automatically reassigning another address to be associated with one or more packets of the mobile user station

when the station becomes associated with another network node of the communications system, the other address being a combination of the identifier of the mobile user station and an identifier of the other network node . . . such that a network node in the communications system is not required to obtain additional address information to direct a packet associated with a call to or from the mobile user station," as recited in independent claims 1 and 6. Applicants believe that the final Office Action misunderstands the claimed feature.

By way of example, the present specification explains at page 29, lines 3-11:

It is to be appreciated that one of the advantages of the addressing scheme of the invention, described above, is that the SNLA [subnetwork layer address] itself indicates the relative location of a mobile. Therefore, if a mobile moves (i.e., attaches itself to a new network node) during a call, it automatically changes the source address to the new SNLA in its packets. Since the correspondent mobile can recognize the mobile from the mobile ID portion of the SNLA, it knows that the mobile has changed its location. Therefore, the correspondent mobile stamps the destination field of its packets with the new SNLA. Without extra signaling messages, mobile locations are updated during a call. Since the system 100 is a packet-switched network and each packet is routed directly to the destination, the route is optimized automatically as well. This feature reduces the amount of signaling traffic significantly since a majority of the traffic, such as TCP/IP connections and voice calls, are two-way traffic (Underlining added for emphasis).

Thus, in accordance with the claimed invention, the mobile user station performs the automatic reassigning step/operation. To the contrary, in Lindgren, an HLR 22 (home location register) informs a network hub 38 that a mobile is no longer registered with a "wireless office." The network hub 38 updates a translation table 70 and then notifies HLR 22. This is not necessary in the invention of claims 1 and 6, since the mobile itself is able to automatically reassign its address and thereby inform the communications system of its new address by transmitting packets with the reassigned address as the source address. In this manner, a network node in the communications system is therefore not required to obtain additional address information to direct a packet associated with a call to or from the mobile user station. This may further be facilitated by a correspondent mobile stamping the destination field of its packets with the new SNLA (address) reassigned by the source mobile. The proposed Brown/Lindgren combination fails to teach or suggest such a dynamic addressing scheme.

Accordingly, Applicants assert that claims 1 and 6 are patentable over the cited combination and therefore allowable. Withdrawal of the rejections is respectfully requested.

Regarding the §103(a) rejection of claims 12, 13, 16 and 17, Applicants respectfully assert that the Brown/Yee combination fails to establish a prima facie case of obviousness under 35 U.S.C. §103(a), as specified in M.P.E.P. §2143.

First, there is a clear lack of motivation to combine the references. For at least this reason, a prima facie case of obviousness has not been established. Brown is directed to a method for requesting identification of a neighboring node in a data processing input/output system, while Yee is directed to a satellite based high bandwidth data broadcast system. That is, the teachings in each reference are directed to completely different environments; one (Brown) toward a data processing I/O environment, the other (Yee) toward a satellite based broadcast environment. Again, other than a very general and conclusory statement in the final Office Action, there is nothing in the two references that reasonably suggests why one would actually combine the teachings of these two references.

In the final Office Action at page 6, the Examiner provides the following statement to prove motivation to combine Brown and Yee, with emphasis supplied: “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to provide . . . Yee et al. to the system of Brown et al. because Yee et al. teach [sic] the desirable added feature of satellite based communication and said satellite based communication being desirable to achieve the added feature of wireless mobile communication in Brown et al.”

Again, Applicants submit that this statement is based on the type of “subjective belief and unknown authority” that the Federal Circuit, in the above-cited In re Lee, has indicated provides insufficient support for an obviousness rejection. Again, the Examiner fails to identify any objective evidence of record which supports the proposed combination.

Second, Applicants assert that there is no reasonable expectation of success in achieving the present invention through a combination of Brown and Yee. For at least this reason, a prima facie case of obviousness has not been established. Despite the assertion in the final Office Action, Applicants do not believe that Brown and Yee are combinable since it is not clear how one would

combine them. There is no guidance provided in the final Office Action. However, even if combined, for the sake of argument, they would not achieve the unique addressing techniques of the claimed invention.

Third, Applicants assert that even if combined, the Brown/Yee combination fails to teach or suggest all of the limitations of the claims. For at least this reason, a prima facie case of obviousness has not been established.

Regarding independent claims 12 and 16, the final Office Action again cites column 12, line 54, to column 13, line 15 of Brown for support in rejecting (under the Brown/Yee combination) the step/operation of "assigning an address to the network node, the address being a combination of an identifier of the network node and an identifier of an interface associated with the network node," as recited in independent claims 12 and 16. However, Brown fails to disclose what the final Office Action asserts. Applicants assert that the "Node ID" disclosed in Brown fails to teach or suggest the form of the address of a network node in claims 12 and 16.

Next, the final Office Action cites column 1, line 24, to column 2, line 8 of Yee for support in rejecting (under the Brown/Yee combination) the step/operation of "transferring packets to and from the network node in accordance with the address, such that the network node is able to move within the communications system in addition to the plurality of mobile user stations," as recited in independent claims 12 and 16. However, Yee fails to disclose what the final Office Action asserts.

As mentioned above, Yee is directed toward a satellite based data broadcast system wherein, as explained at column 2, lines 23-31, ground based service providers broadcast high bandwidth data information to mobile users. Based on the nature of the satellite broadcast environment, it cannot be said that data is transferred in accordance with an addressing scheme "such that the network node is able to move within the communications system in addition to the plurality of mobile user stations," as in the claimed invention. An addressing scheme, as in the claimed invention, is not used in a broadcast environment since, in a broadcast environment, data is broadcast to all subscribers, and "collected" by a subscriber based on access authorization criterion, see column 3, lines 23-41 of Yee. This is significantly different than the claimed invention.

Accordingly, Applicants assert that claims 12 and 16 are patentable over the cited combination and therefore allowable. It is also asserted that dependent claims 13 and 17 are

patentable over the cited combination due, at least, to their respective dependence on independent claims 12 and 16 and the reasons given above. Withdrawal of the rejections is respectfully requested.

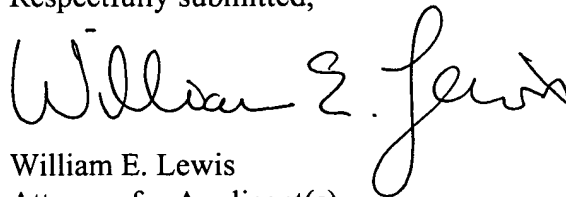
Regarding the §103(a) rejection of dependent claims 3, 4, 8, 9, 11, 14, 18 and 20, Applicants respectfully assert that the Brown/Yee/Takagi combination and the Brown/Lindgren/Takagi combination respectively fail to establish prima facie cases of obviousness under 35 U.S.C. §103(a), as specified in M.P.E.P. §2143.

Since there is no reasonable justification for why Takagi is combinable with the other references (in accordance with In re Lee) or how Takagi could be combined with the other references, it is believed that said dependent claims are patentable over the cited combinations. Further, since Takagi fails to remedy the deficiencies in Brown/Yee and Brown/Lindgren, as presented above, dependent claims 3, 4, 8, 9, 11, 14, 18 and 20 are asserted to be patentable over the cited combinations due, at least, to their respective dependence on independent claims 1, 6, 12 and 16 and the reasons given above. In addition, Applicants assert that dependent claims 3, 4, 8, 9, 11, 14, 18 and 20 also recite patentable subject matter in their own right. Withdrawal of the rejections is respectfully requested.

Applicants file a Notice of Appeal concurrent herewith.

In view of the above, Applicants believe that claims 1, 3-6 and 8-20 are in condition for allowance, and respectfully request favorable reconsideration.

Respectfully submitted,



William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946

Date: June 11, 2003